

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**Tentative ORDER NO. R9-2002-0293
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY WITH
MANDATORY MINIMUM PENALTIES
AGAINST MANCHESTER RESORTS – HYATT HOTEL EXPANSION
CONSTRUCTION DEWATERING FOR
VIOLATION
OF
ORDER NO. 2000-90, NPDES PERMIT NO. CAG919001**

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on 9 October 2002, to hear evidence and comments on the allegations contained in Complaint No. R9-2002-0207, dated August 6, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$9,000 finds as follows:

1. On June 14, 2000, the Regional Board adopted Order No. 2000-90, NPDES Permit No. CAG919001, *General Waste Discharge Requirements For Temporary Groundwater Extraction And Similar Waste Discharges to San Diego Bay And Storm Drains Or Other Conveyance Systems Tributary Thereto*. Manchester Resorts was issued waste discharge requirements pursuant to Order No. 2000-90 on July 13, 2001 for the downtown Hyatt Hotel Expansion project located at One Market Place, San Diego, California. The site discharges groundwater extraction waste to the City of San Diego's storm water conveyance system at Kettner Boulevard just south of the North Harbor Drive and is ultimately discharged into San Diego Bay just west of the terminus of Kettner Boulevard.
2. Manchester Resorts' Self Monitoring Reports (SMRs) for the period from January 2002 through June 2002 indicate three sampling results in violation of Order No. 2000-90's Discharge Specifications. These violations are summarized in Attachment 2, *Table 1 – Violation Summary for Manchester Resorts – Hyatt Hotel Expansion Construction Dewatering*
3. Under California Water Code section 13385(i), three violations are subject to mandatory minimum penalties as outlined in Attachment 2.
4. The total amount of the mandatory minimum penalty is \$9,000.
5. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0207 supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of \$9,000 as detailed in Attachment 2.

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6. The Regional Board incurred costs totaling \$4,000, which includes investigation, preparation of enforcement documents, and communication with the discharger.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Manchester Resorts in the amount of nine thousand dollars (\$9,000) and that the rationale for the assessment contained in Complaint No. R9-2002-0207 is hereby incorporated into this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on October 9, 2002.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer
October 9, 2002